

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 1, 1997
SAN FRANCISCO, CALIFORNIA**

S062453 People, Respondent
1st Dist. v.
A073378 George John Blakeley, Appellant
Div. 1 Petition for review GRANTED.

George, C.J.
Kennard, J.
Chin, J.
Brown, J.

S062489 Bank of America, Respondent
1st Dist. v.
A073066 Felisa V. Lallana, Appellant
Div. 3 Respondent's petition for review GRANTED.
Baxter, J., and Chin, J., did not participate.

George, C.J.
Kennard, J.
Werdegar, J.
Brown, J.

S062813 Kyle Richmond, Respondent

1st Dist. v.

A071729 A.P. Green Industries, Inc. et al., Appellants

Div. 5 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Buttram v. Owens-Corning Fiberglas Corp.*, S046375 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S063339 Dan J. Agnew, Appellant

2nd Dist. v.

B101992 California State Board of Equalization, Respondent

Div. 7 Respondent's petition for review GRANTED.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S063512 People, Respondent
5th Dist. v.
F026744 John David Williams, Appellant
 Appellant's petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Werdegar, J.
Chin, J.
Brown, J.

S063846 Paul J. Mooney, Appellant
4th Dist. v.
D022770 Sim J. Harris Company et al., Respondents
Div. 1 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Cotran v. Rollins Hudig Hall*, S057098 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

2nd Dist. People, Respondent
B092814 v.
B101445 Terrell Shaun Wise et al., Appellants
Div. 7 -----
S062822 In re Terrell Shaun Wise et al. on Habeas Corpus

Petition for review GRANTED.

The cause is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to reconsider the cause in light of *People v. Monge* (1997) 16 Cal.4th 826.

Appellant's petition for review DENIED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

2nd Dist. People, Respondent
B097693 v.
Div. 7 Timothy Taylor, Appellant
S062924

Respondent's petition for review GRANTED.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to reconsider the cause in light of *People v. Fuhrman* (1997) 16 Cal.4th 930.

Appellant's petition for review DENIED.

Mosk, J., would grant and transfer both petitions.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Chin, J.
Brown, J.

3rd Dist. Christian Dean Bowers, Petitioner
C026887 v.
S063694 Nevada County Superior Court, Respondent
People, Real Party in Interest

Petitioner's request to join real party in interest's petition for review granted.

Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

4th Dist. In re Request for Transcripts of "Phase Three" Grand Jury
G022030 Proceedings
Div. 3
S063827

4th Dist. Merrill Lynch Grand Jury Witnesses John Does 1-28 et al.,
G022084 Petitioners
Div. 3 v.
S063988 Orange County Superior Court, Respondent
Robert L. Citron et al., Real Parties in Interest

Petitioner having filed a petition for review (S063827/G022030) from the Court of Appeal's denial of a petition for a writ of supersedeas pending the Court of Appeal's disposition of the appeal in *In Re Request For Transcripts Of "Phase Three" Grand Jury Proceedings* (G022076), and having filed a separate petition for review from the Court of Appeal's summary denial of a petition for mandate/prohibition (*Merrill Lynch Grand Jury Witnesses John Does 1-28, Et. Al., v. Superior Court* (S063988/G022084)), the court

hereby makes the following order:

The appeal in *In re Request for Transcripts of "Phase Three" Grand Jury Proceedings* (G022076), presently pending in the Court of Appeal, Fourth Appellate District, Third Division is transferred to this court.

Execution of the Orange County Superior Court's August 13, 1997, order unsealing grand jury transcripts is stayed pending final disposition of the appeal and the petition for a writ of mandate/prohibition referred to below.

The appeal (G022076) is retransferred to the Court of Appeal, Fourth Appellate District, Third Division. (See 9 Witkin, California Procedure (4th ed., 1997) Appeal, § 101, at pp. 163-164 ["The final determination of any suit, whether classified as an action or special proceeding . . . is an appealable judgment."].)

The petition for review filed in this court in the related supersedeas proceeding (S063827/G022030) is denied as moot.

The petition for review of the Court of Appeal's denial of the petition for a writ of mandate/prohibition (*Merrill Lynch Grand Jury Witnesses John Does 1-28, Et. Al., v. Superior Court* (S063988/G022084), is granted.

The writ proceeding is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its order denying mandate/prohibition and to hold the matter in abeyance pending disposition of the pending appeal in *In Re Request For Transcripts Of "Phase Three" Grand Jury Proceedings* (G022076).

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S046414 People, Petitioner
2nd Dist. v.
B089615 Los Angeles County Superior Court, Respondent
Div. 1 Samuel Murray, Real Party in Interest

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S048283 People, Appellant
2nd Dist. v.
B086215 Julie Anne Glaster, Respondent
Div. 2

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S048808 People, Appellant
2nd Dist. v.
B087285 Calvin Bailey, Respondent
Div. 7

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S048866 People, Appellant
2nd Dist. v.
B089331 Jeffrey Martin Gore, Respondent
Div. 7

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S049374 People, Appellant

2nd Dist. v.

B086628 Robert Loomis, Respondent

Div. 3 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S049470 People, Petitioner

2nd Dist. v.

B091707 Los Angeles County Superior Court, Respondent

Div. 5 Randall Pipkin, Real Party in Interest

And Companion Case

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S049828 People, Appellant

2nd Dist. v.

B086077 Vincent Campos, Respondent

Div. 7 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S050625 People, Respondent

4th Dist. v.

D021949 Teconstanelle Andre Patton, Appellant

Div. 1 The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S050984 People, Appellant

2nd Dist. v.

B089318 Thomas Drew, Respondent

Div. 7 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S051089 People, Petitioner

6th Dist. v.

H013870 Monterey County Superior Court, Respondent

John Lewis O'Donnell, Real Party in Interest

The above-entitled review is hereby transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S052105 People, Respondent

2nd Dist. v.

B089283 Samuel Murray, Sr., Appellant

Div. 1 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S052699 People, Appellant

2nd Dist. v.

B089458 William Scott, Jr., Appellant

B090129 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Four, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

Div. 4

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S052785 People, Appellant

4th Dist. v.

D022228 Herschel Dexter Weatherford, Respondent

Div. 1 The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S052950 People, Appellant

4th Dist. v.

D022527 Gary Joseph Romero, Respondent

Div. 1 The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S052959 People, Appellant

2nd Dist. v.

B088772 Bobby Beldin Smith, Respondent

Div. 1 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S053343 People, Appellant

2nd Dist. v.

B093473 Lee Roy Carter, Respondent

Div. 3 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S053505 People, Appellant

4th Dist. v.

D023414 Alfredo Cervantes Moreno, Respondent

Div. 1 The above-entitled review is hereby transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S053569 People, Appellant

2nd Dist. v.

B091156 Salvador Rojo Miranda, Respondent

Div. 1 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S053907 People, Appellant

2nd Dist. v.

B092227 Joseph Castiglione, Respondent

Div. 7 The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Seven, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S053957 People, Appellant

3rd Dist. v.

C019500 Paul Comauex, Respondent

The above-entitled review is hereby transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S056787 People, Respondent

2nd Dist. v.

B093831 Jesus Penuelas Ochoa et al., Appellants

Div. 4 Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division Four.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S059042 People, Respondent

2nd Dist. v.

B096682 Lawrence Watson, Appellant

Div. 3 Pursuant to rule 29.4(c), California Rules of Court, the above-entitled review is DISMISSED and cause is remanded to the Court of Appeal, Second Appellate District, Division Three.

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S054240 People, Respondent

6th Dist. v.

H012762 Louis Ledesma, Appellant

And Companion Case

Petition for rehearing DENIED.

Mosk, J., is of the opinion the petition should be granted.

S055682 Ventura County Deputy Sheriffs' Association et al., Appellants
2nd Dist. v.
B095993 Board of Retirement, Respondent
Div. 6 County of Ventura, Real Party in Interest
 Petition for rehearing and request for modification of opinion
 DENIED.

S063973 In re Scott Lynn Pinholster
 on
 Habeas Corpus

 The petition for writ of habeas corpus is denied on the substantive ground that it is without merit. Separately and independently, the first, second, third, fifth, and sixth claims are each denied on the procedural ground (see *Harris v. Reed* (1989) 489 U.S. 255, 264, fn. 10) that it is untimely, without justification or excuse and outside any exception, including that for a fundamental miscarriage of justice (see generally *In re Clark* (1993) 5 Cal.4th 750, 763–799): it was not presented within a reasonable time after its legal and factual bases were, or should have been, discovered (see *id.* at pp. 784–785). Separately and independently, the first, second, third, and fifth claims, and the sixth claim as to review on appeal, are each denied on the procedural ground (see *Harris v. Reed, supra*, 489 U.S. at p. 264, fn. 10) that it is successive, without justification or excuse and outside any exception, including that for a fundamental miscarriage of justice (see generally *In re Clark, supra*, 5 Cal.4th at pp. 763–799): it was raised, and rejected, in the first petition for writ of habeas corpus, at least in part, and/or it could have been, but was not, raised in the first petition for writ of habeas corpus, at least in part (see *id.* at pp. 767–768).

 Mosk, J., and Brown, J., would deny the petition solely on the merits.

S060359 In re Alan S. Luster
 on
 Habeas Corpus

 Petition for writ of habeas corpus DENIED.

S063587 In re Brent D’Vaughn Alves
 on
 Habeas Corpus
 Application for stay and petition for writ of habeas corpus
 DENIED. (*In re Miller* (1941) 17 Cal.2d 734.)

1st Dist. Pillsbury Madison & Sutro, Respondent
A071451 v.
Div. 2 Steven Schectman et al., Appellants
S063194 Petition for review DENIED.
 The requests for an order directing depublication of the opinion
 are DENIED.

1st Dist. People, Respondent
A073513 v.
Div. 2 Gerald Walker, Appellant
S063900 Appellant’s petition for review DENIED.

1st Dist. People, Respondent
A073849 v.
Div. 4 Perro Peter Lewis, Appellant
S063156 Appellant’s petition for review DENIED.

1st Dist. People, Respondent
A074046 v.
Div. 2 Bernard Peters, Appellant
S063991 Appellant’s petition for review DENIED.

1st Dist. People, Respondent
A074064 v.
Div. 1 William Royal Hazelton, Appellant
S063302 Appellant’s petition for review DENIED.
 Mosk, J., is of the opinion the petition should be granted.

1st Dist. Christine Bohar et al., Appellants
A074066 v.
Div. 4 Arthur Young & Company et al., Respondents
S063557 Petition for review DENIED.
 Mosk, J., is of the opinion the petition should be granted.

1st Dist. A074546 Div. 2 S063921	People, Respondent v. Gerardo Villaluna Pineda, Appellant Appellant's petition for review DENIED.
1st Dist. A074568 Div. 4 S063812	People, Respondent v. Robert Ray Vanderbuilt, Appellant Appellant's petition for review DENIED.
1st Dist. A074784 Div. 3 S063903	People, Respondent v. Bobby Gene Smith, Appellant Appellant's petition for review DENIED.
1st Dist. A075055 Div. 1 S063837	Raymond A. Chamerlin, Appellant v. Department of Motor Vehicles et al., Respondents Appellant's petition for review DENIED.
1st Dist. A075317 A076285 Div. 4 S064014	Mark Brandt et al., Appellants v. Gygax Realtor et al., Respondents Petition for review DENIED.
1st Dist. A075803 Div. 3 S063917	People, Respondent v. Charles Earl Giddens, Appellant Appellant's petition for review DENIED.
1st Dist. A076494 Div. 5 S063953	People, Respondent v. Mujaahid Haaris, Appellant Appellant's petition for review DENIED.
1st Dist. A076514 Div. 1 S062926	In re Lawrence S. Bittaker on Habeas Corpus Petition for review DENIED.

1st Dist. John Shek, Appellant
A076583 v.
Div. 5 Regents of the University of California et al., Respondents
S063408 Appellant's petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

1st Dist. Ellen Laferty Wright, Petitioner
A078757 v.
Div. 4 Marin County Superior Court, Respondent
S063888 First American Title Insurance Company, Real Party in Interest
Application for stay and petition for review DENIED.

1st Dist. Robert L. Castle et al., Petitioners
A079150 v.
Div. 4 Alameda County Superior Court, Respondent
S063851 Charles McMillan et al., Real Parties in Interest
Application for stay and petition for review DENIED.

1st Dist. John D. Freeman et al., Petitioners
A079152 v.
Div. 1 Mendocino County Superior Court, Respondent
S063902 Sandra Sassen et al., Real Parties in Interest
Petition for review and request for judicial notice DENIED.

1st Dist. Prentis Cobb Hale III, Petitioner
A079165 v.
Div. 1 San Francisco County Superior Court, Respondent
S063844 Denise Hale, Real Party in Interest
Petition for review DENIED.
George, C.J., did not participate.

1st Dist. Juana S., Petitioner
A079239 v.
Div. 2 Alameda County Superior Court, Respondent
S064218 Alameda County Department of Social Services,
Real Party in Interest
Application for stay and petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.

1st Dist. David Michael Bolden, Petitioner
A079349 v.
Div. 5 Sonoma County Superior Court, Respondent
S063862 People, Real Party in Interest
Petition for review DENIED.

1st Dist. James Earl Hines, Petitioner
A079713 v.
Div. 1 Contra Costa County Superior Court, Respondent
S064170 People, Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. Maria Flores et al., Appellants
B084981 v.
Div. 3 Coast Federal Savings Bank et al., Respondents
S063826 Respondents' petition for review DENIED.

2nd Dist. People, Respondent
B089709 v.
B090458 Jose Alberto Mejia et al., Appellants
S062948 Petitions for review DENIED.

2nd Dist. People, Respondent
B090264 v.
Div. 7 Keith Terris Caldwell et al., Appellants
S063064 Appellants' petitions for review DENIED.

2nd Dist. People, Respondent
B093840 v.
Div. 2 Alan M. Betts et al., Appellants
S062993 Appellants' petitions for review DENIED.

2nd Dist. Albert Cohen et al., Appellants
B094192 v.
B094193 City of Los Angeles, Respondent
Div. 2 Petition for review DENIED.
S063590

2nd Dist. H. Abdul Wali, Respondent
B096533 v.
Div. 5 Daniel M. Howard et al., Appellants
S063570 Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. Studwell Incorporated, Appellant
B096857 v.
Div. 1 Korean Exchange Bank, Respondent
S063149 Appellant's petition for review DENIED.

2nd Dist. Marsha Feig et al., Appellants
B097182 v.
Div. 7 Finer Kim & Stearns et al., Respondents
S063678 Respondents' petition for review DENIED.

2nd Dist. People, Respondent
B098434 v.
Div. 2 Arthur Raymond Butler, Appellant
S063105 Respondent's petition for review DENIED.

2nd Dist. Eileen E. Stephen, Appellant
B098658 v.
Div. 5 Phillip J. Romani, Jr., Respondent
S063891 Appellant's petition for review DENIED.

2nd Dist. Scott Magruder, Appellant
B098662 v.
Div. 3 Frank Williams et al., Respondents
S063656 Petition for review DENIED.

2nd Dist. People, Respondent
B098808 v.
Div. 3 Jose Mendez, Appellant
S063792 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B098848 v.
Div. 1 Paul Nicholson, Appellant
S063221 Appellant's petition for review DENIED.

- 2nd Dist. People, Respondent
B099308 v.
Div. 7 James Thomas Roberts, Appellant
S062985 Appellant's petition for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition should be granted.
The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed June 17, 1997, which appears at 55 Cal.App.4th 1073. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)
- 2nd Dist. People, Respondent
B099562 v.
Div. 3 Frederick Roberts, Appellant
S063823 Appellant's petition for review DENIED.
- 2nd Dist. People, Respondent
B099786 v.
Div. 7 Darius Rhyne, Appellant
S063910 Appellant's petition for review DENIED.
- 2nd Dist. Wayne K. Tully et al., Appellants
B099824 v.
Div. 4 World Savings & Loan Association et al., Respondents
S063936 Petition for review DENIED.
- 2nd Dist. Ronald S. Katz, Appellant
B100108 v.
Div. 1 M. R. Investment et al., Respondents
S063960 Application for stay and petition for review DENIED.
- 2nd Dist. Francisco J. Castillo, Appellant
B100292 v.
Div. 2 Greenwood Auto Center, Respondent
S063661 Appellant's petition for review DENIED.
- 2nd Dist. People, Respondent
B100653 v.
Div. 3 Charles Evans, Jr. et al., Appellants
S063303 Appellants' petitions for review DENIED.

2nd Dist. People, Respondent
B101562 v.
Div. 7 Steve Demetro, Appellant
S063834 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B101594 v.
Div. 7 Jonathan Schiff, Appellant
S063880 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102002 v.
Div. 4 Gary L. Baze, Appellant
S063286 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102116 v.
Div. 5 John Thompson, Appellant
S063884 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102316 v.
Div. 3 Ronald Samson, Appellant
S063928 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102424 v.
Div. 7 Benny Guerrero, Appellant
S063762 Appellant's petition for review DENIED.

2nd Dist. Rodolfo F. Acuna, Appellant
B102541 v.
Div. 6 Regents of the University of California et al., Respondents
S063333 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B102614 v.
Div. 3 Gregory McFarland, Appellant
S063929 Appellant's petition for review DENIED.

- 2nd Dist. People, Respondent
B102637 v.
Div. 6 Victor Manuel Becerra, Appellant
S063892 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
- 2nd Dist. E.W.A.P. Inc., Appellant
B102861 v.
Div. 2 City of Los Angeles et al., Respondents
S063674 Appellant's petition for review DENIED.
The request for an order directing depublication of the opinion is DENIED.
- 2nd Dist. Brent Jackson, Appellant
B103249 v.
Div. 1 Franchise Tax Board, Respondent
S063259 Appellant's petition for review DENIED.
Kennard, J., Baxter, J., and Chin, J., are of the opinion the petition should be granted.
- 2nd Dist. People, Respondent
B103517 v.
Div. 3 Herman Parrish, Appellant
S063281 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
- 2nd Dist. People, Respondent
B103806 v.
Div. 2 George Ford, Appellant
S063853 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.
- 2nd Dist. People, Respondent
B103813 v.
Div. 5 Robert Bennett, Appellant
S063830 Appellant's petition for review DENIED.
- 2nd Dist. People, Respondent
B104157 v.
Div. 7 Nigel F. Hall, Appellant
S063822 Appellant's petition for review DENIED without prejudice to

filing a petition for writ of habeas corpus in the sentencing court.
(*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530,
fn. 13.)

2nd Dist. People, Respondent
B104311 v.
Div. 5 Charles E. Green, Appellant
S063744 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B104548 v.
Div. 1 Louis Gomez, Appellant
S062909 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B014604 v.
Div. 5 Andre Damon Smith, Appellant
S063879 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B104745 v.
Div. 4 John Gonzales, Appellant
S063995 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B105119 v.
Div. 5 Mario Schebesta, Appellant
S063811 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B106218 v.
Div. 6 Kenneth Michael Pettersen, Appellant
S063833 Appellant's petition for review DENIED.

2nd Dist. Harry Tash et al., Appellants
B107209 v.
Div. 5 Safeco Insurance Company of America, Respondent
S063713 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B107736 v.
Div. 3 Johnie L. Jackson, Appellant
S063908 Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B107855 v.
Div. 5 Richard Rangel, Appellant
S063807 Appellant's petition for review DENIED.

2nd Dist. In re the Marriage of Terry L. Sirkin
B108063 -----
Div. 2 Terry L. Sirkin Thompson, Respondent
S063845 v.
Theodore M. Sirkin, Appellant
Petition for review DENIED.

2nd Dist. Hunter Tylo, Petitioner
B108200 v.
Div. 4 Los Angeles County Superior Court, Respondent
S063290 Spelling Entertainment Group Incorporated, Real Party in Interest
Real Party in Interest's petition for review DENIED.
The request for an order directing depublication of the opinion is
DENIED.

2nd Dist. Vicki G. Hufnagel, Petitioner
B112888 v.
Div. 5 Medical Board of California, Respondent
S063501 Petition for review DENIED.

2nd Dist. David Babb, Petitioner
B113694 v.
Div. 7 Los Angeles County Superior Court, Respondent
S063072 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Well Tech Incorporated et al., Petitioners
B113799 v.
Div. 1 Workers' Compensation Appeals Board, Respondent
S063821 John G. Paulson, Respondent
Petition for review DENIED.

2nd Dist. Margery A. Emge et al., Petitioners
B113874 v.
Div. 1 Los Angeles County Superior Court, Respondent
S063300 Showa Denko America Incorporated, Real Party in Interest
Petition for review DENIED.

2nd Dist. Ernest Brown, Petitioner
B114171 v.
Div. 2 Los Angeles County Superior Court, Respondent
S063949 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Isaac Ford, Petitioner
B114234 v.
Div. 3 Los Angeles County Superior Court, Respondent
S063815 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. David Babb, Petitioner
B114764 v.
Div. 7 Los Angeles County Superior Court, Respondent
S064022 People, Real Party in Interest
Petition for review DENIED.

3rd Dist. People, Respondent
C021305 v.
S063920 Soukthavy Sayarath, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C021490 v.
S063907 James Ronell Abernathy, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent
C023172 v.
S063321 Jimmie Lee Bee, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent
C023809 v.
S063817 Patrick Joseph Kelley, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C023885 v.
S063970 Harry David Fries, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C023909 v.
S063819 Khamphorn Vilaykham, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C024479 v.
S064000 Samuel Ray Spahn, Appellant
Appellant's petition for review DENIED.

3rd Dist. In re the Marriage of
C025353 -----
S063985 Donald H., Respondent
v.
Karen Anderson H., Appellant
Petition for review and request for judicial notice DENIED.

3rd Dist. Dwight Jeffrey Alaways, Petitioner
C026671 v.
S063930 Workers' Compensation Appeals Board et al., Respondents
Petition for review DENIED.

3rd Dist. Donald Donoho, Petitioner
C026956 v.
S063924 Workers' Compensation Appeals Board et al., Respondents
Petition for review DENIED.

4th Dist. Pacific Indemnity Company, Appellant
D020939 v.
Div. 1 County of San Bernardino, Respondent
S063672 Appellant's petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.
The request for an order directing depublication of the opinion is
DENIED.

4th Dist. Mission Valley 805-C Partnership, Appellant
D021672 v.
Div. 1 Florence Campbell et al., Respondents
S063996 Petition for review DENIED.

4th Dist. Phillip Payton, Appellant
D022545 v.
Div. 1 University of San Diego et al., Respondents
S063946 Respondents' petition for review DENIED.

4th Dist. People, Respondent
D024822 v.
Div. 1 Jay Turner, Appellant
S063919 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D025429 v.
Div. 1 Paul Lawrence Robinson, Appellant
S063883 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D025447 v.
Div. 1 Billy Cornell McCleod, Appellant
S063204 Appellant's petition for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition should
be granted.

4th Dist. People, Respondent
D026089 v.
Div. 1 Hubert Jayvon Hunter, Appellant
S063786 Appellant's petition for review DENIED.

4th Dist. In re Ivory Keith Pratt
D029134 on
Div. 1 Habeas Corpus
S063923 Petition for review DENIED.

4th Dist. People, Respondent
E017117 v.
Div. 2 Alonzo Whit, Appellant
S063150 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E018709 v.
Div. 2 David Jasso Rosales, Appellant
S063796 Appellant's petition for review DENIED.

4th Dist. In re Danny G., a Person Coming Under the Juvenile Court Law
E019455 -----
Div. 2 People, Respondent
S063877 v.
Danny G., Appellant
Appellant's petition for review DENIED.

4th Dist. People, Respondent
E019938 v.
Div. 2 James O'Neil Belvins, Appellant
S063999 Appellant's petition for review DENIED.

4th Dist. In re Demetrius Duane Huff
E020753 on
Div. 2 Habeas Corpus
S062952 Petition for review DENIED.

4th Dist. Lockheed Martin Corporation, Petitioner
E020801 v.
Div. 2 Riverside County Habitat Conservation Agency et al., Respondents
S063855 Petition for review DENIED.

4th Dist. Harry E. Hicks, Appellant
G016041 v.
Div. 3 Capital Workshop General Insurance Agency et al., Respondents
S063610 Appellant's petition for review DENIED.
The request for an order directing publication of the opinion is DENIED.

4th Dist. People, Respondent
G018462 v.
Div. 3 Richard Kenneth Overton, Appellant
S063201 Appellant's petition for review DENIED.

4th Dist. Cimco Incorporated, Petitioner
G021839 v.
Div. 3 Workers' Compensation Appeals Board et al., Respondents
S063832 Petition for review DENIED.

4th Dist. Alexander Taylor et al., Petitioners
G022013 v.
Div. 3 Orange County Superior Court, Respondent
S063689 U.C.I. Medical Center et al., Real Parties in Interest
Petition for review DENIED.

5th Dist. People, Respondent
F023555 v.
S062995 Jon Gregorich et al., Appellants
Appellants' petitions for review DENIED.

5th Dist. People, Respondent
F025269 v.
S063948 Helen Ruth Sweet, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F026080 v.
S063795 Salome Anaya Tovar, Appellant
Appellant's petition for review DENIED without prejudice to filing a petition for writ of habeas corpus in the sentencing court. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530, fn. 13.)

5th Dist. People, Respondent

F026903 v.
S063824 David Allen Huddleston, Appellant
 Appellant's petition for review DENIED.

5th Dist. People, Petitioner
F027396 v.
F027534 Fresno County Superior Court et. al., Respondents
F027543 Dana James Ewell et al., Real Parties in Interest
S063818 And Companion Case
 Applications for stay and petitions for review DENIED.
 Kennard, J., and Werdegar, J., are of the opinion review should
 be granted.
 Baxter, J., did not participate.

5th Dist. In re Robert McNeely
F028914 on
S063875 Habeas Corpus
 Petition for review DENIED on the merits.

6th Dist. People, Respondent
H013855 v.
H015826 Bao Dinh Van et al., Appellants
S062973 -----
 In re Lam Van Phan on Habeas Corpus
 Appellants' petitions for review DENIED.

6th Dist. People, Respondent
H014599 v.
H016538 Robert Eugene Gerkin, Appellant
S064002 -----
 In re Robert Eugene Gerkin on Habeas Corpus
 Appellant's petition for review DENIED.

6th Dist. People, Respondent
H015029 v.
S062908 Demetre Antaun Hopkins, Appellant
 Petitions for review DENIED.
 Mosk, J., and Werdegar, J., are of the opinion review should be
 granted.

6th Dist. People, Respondent
H015263 v.

- S063898 Wilmer Spikes, Jr., Appellant
Appellant's petition for review DENIED without prejudice to filing a petition for writ of habeas corpus in the sentencing court. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 530, fn. 13.)
- 6th Dist. People, Respondent
H015793 v.
S063809 Juan Rodriguez Rodriguez, Appellant
Appellant's petition for review DENIED.
- 6th Dist. Caroline Hardison, Petitioner
H016852 v.
S063448 Workers' Compensation Appeals Board et al., Respondents
Petition for review DENIED.
Baxter, J., did not participate.
- 6th Dist. IMP Incorporated et al., Petitioners
H017193 v.
S063993 Santa Clara County Superior Court, Respondent
Clyde Shockley
Application for stay and petition for review DENIED.
- 1st Dist. For Better Living Inc., Appellant
A070554 v.
Div. 4 Franchise Tax Board, Appellant
S063783 The requests for an order directing publication of the opinion in the above entitled cause are DENIED.
- 2nd Dist. Klara Soos, Appellant
B097532 v.
Div. 7 City of Burbank et al., Respondents
S063680 The request for an order directing publication of the opinion in the above entitled cause is DENIED.

- 2nd Dist. Peggy Byrd, Appellant
B103064 v.
Div. 6 County of Santa Barbara et al., Respondents
S062591 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.
- 4th Dist. People, Respondent
D025267 v.
Div. 1 Joe Edward Fields, Jr., Appellant
S064432 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.
- S013187 People, Respondent
v.
Randy Steven Kraft, Appellant
On application of appellant and good cause appearing, it is
ordered that the time to serve and file appellant's reply brief is
extended to and including December 8, 1997.
- S016719 People, Respondent
v.
Ralph Michael Yeoman, Appellant
On application of appellant and good cause appearing, it is
ordered that the time to serve and file appellant's opening brief is
extended to and including October 29, 1997.
- S058378 Thomas B. Fletcher, Petitioner
v.
Commission on Judicial Performance, Respondent
On application of respondent and good cause appearing, it is
ordered that the time to serve and file respondent's answer to petition
for review is extended to and including November 10, 1997.
- S059885 In re Lee Max Barnett
on
Habeas Corpus
On application of respondent and good cause appearing, it is
ordered that the time to serve and file respondent's informal
response to the petition for writ of habeas corpus is extended to and
including October 29, 1997.

S057125 Birbrower, Montalvo, Condon & Frank et al., Petitioners

V.

Santa Clara County Superior Court, Respondent

Esq Business Services, Incorporated et al., Real Parties in Interest

The request of real parties in interest to allocate to Lawrence Yee, counsel for amicus curiae State Bar of California, 10 minutes of real parties' in interest 30-minute allotted time for oral argument, is granted.

S060885 In re Manuel Jose G.

on

Habeas Corpus

The petition for writ of habeas corpus is transferred to the Court of Appeal, Fourth Appellate District, Division Three.

S063865 In re **John Michael Schaefer** on Discipline

Petition for writ of review DENIED.

It is ordered that **John Michael Schaefer** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 30 days actual suspension, recommended by the Review Department of the State Bar Court in its opinion filed June 25, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10, payable in accordance with Business and Professions Code section 6140.7 as amended effective January 1, 1997.

